IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.87 OF 2004
IN
SUMMARY SUIT NO.1173 OF 2003

Neha Transmission Pvt.Ltd. ....Plaintiff

V/s.

The Mysore Electrical Industries Ltd. ....Defendant

Mr.Nivit Srivastava for the Plaintiff.

Mr.G.V. Aiman for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 19TH JANUARY, 2005.

P.C. :

1. The suit is filed to recover a sum of Rs.2,10,969=06 ps. and a sum of Rs.1,15,132=16 ps. together with interest thereon.

2. There is no dispute that as per two invoices both dated 24th June, 1995 the Plaintiff sold and delivered to the Defendant the goods mentioned therein. In respect thereof in fact bills of exchange were accepted by the Defendant. There is no dispute that for a considerable period of time the Defendant

failed and neglected to make payment. Ultimately the Defendant made payments of the principal sum of the said two bills only on 7th January, 2000 and 2nd March, 2000 respectively. The principal amount was thus paid only after about seven years. Despite the assurances given from time to time, the Defendant failed and neglected to pay the interest.

3. There is no defence to the Plaintiff’s claim whatsoever. The invoices it may be mentioned specify the rate of interest at 24% p.a. It was contended that the claim is barred by limitation. The submission is not well founded. The Defendants by their letter dated 19th November, 1997 acknowledged that the amounts were due and payable and further agreed to make payment by the first week of December, 1997. Thereafter the aforesaid part payments were made by cheque dated 7th January, 2000 and 2nd March, 2000.

4. In the circumstances, the Summons for Judgment is made absolute with costs. However, the interest after the date of the suit shall be at the rate of 18% p.a.

. Refund as per rules.

. Certified copy expedited.

. For the purpose of refund of the court fees, parties including the Prothonotary and Senior Master are requested to act on an ordinary copy of this order duly authenticated by the Associate/Court Stenographer of this Court.